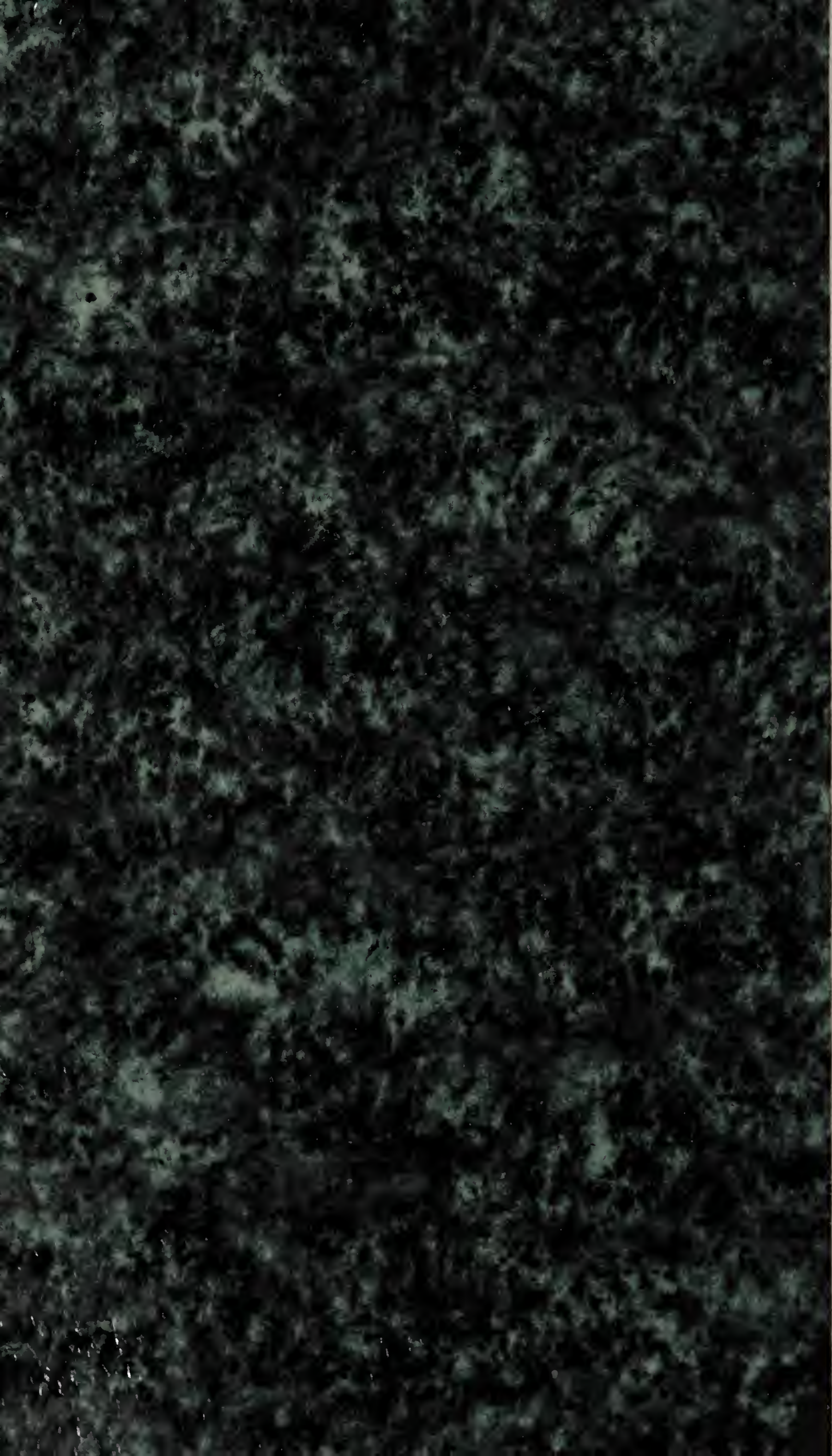


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ROSEBUD INDIANS OF SOUTH DAKOTA.

Mr. COCKRELL presented the following

MEMORIAL OF THE INDIAN RIGHTS ASSOCIATION, ON BEHALF
OF THE ROSEBUD INDIANS OF SOUTH DAKOTA, RELATING TO
THE PROPOSED SALE OF 416,000 ACRES OF THE LANDS OF
THEIR RESERVATION.

FEBRUARY 15, 1904.—Referred to the Committee on Indian Affairs and ordered to be
printed.

AGENCY OF THE INDIAN RIGHTS ASSOCIATION,
Washington, D. C., February 15, 1904.

A memorial of the Indian Rights Association on behalf of the Rosebud Indians, of South Dakota, relating to the proposed sale of 416,000 acres of the lands of their reservation, showing that in fairness and good conscience the price proposed to be paid them by the bill H. R. 10418 is inadequate, and petitioning that justice may prevail.

To the Congress of the United States :

On behalf of the Rosebud tribe or band of Sioux Indians, of Rosebud Reservation, S. Dak., and at their request, we appeal for a hearing of the claims of these Indians; that they will suffer great injustice if the bill H. R. 10418, now pending before the Senate, be enacted into law.

Briefly, the bill proposes to dispose of 416,000 acres of the Rosebud Indian lands lying in Gregory County, S. Dak., without Indian consent, at prices ranging from \$3 per acre downward, according to date of purchase, etc., the Government acting only as trustee for the Indians, especially providing that it does not guarantee any part of the purchase price.

The bill sets up an agreement secured from the Indians in 1901, wherein the latter were guaranteed \$1,040,000 for these lands by the Government (being \$2.50 per acre).

The Supreme Court of the United States while deciding (Lone Wolf case, October term, 1902) that Congress was vested with author-

ity to disregard treaties made with our Indian tribes, presupposes that in our dealings with the Indians absolute justice will be done them. The court says:

The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the Government and the Indians themselves, that it should do so. * * * It was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith toward the Indians.

We must presume that Congress acted in perfect good faith in the dealings with the Indians, * * * and that the legislative branch of the Government exercised its best judgment in the premises.

The Congress having assumed absolute control, by guardianship, of the Indians, it must accept the added responsibility of providing for absolute justice to these wards.

If an obligation of the Government entered into with the Indians may be broken at will by reason of incapacity of the ward, we can not in justice nor good conscience hold the ward to an admission in a former agreement as to the value of lands. Furthermore, the agreement set up in the bill is alleged to have been secured through strenuous effort. The Indians claim they were given to understand that the Government would take their lands anyway at the Government price, \$1.25 per acre, if they did not agree to accept \$2.50 per acre.

As already stated, it is not necessary to dwell upon the history surrounding the agreement of 1901. Congress proposes to disregard it in important particulars by withdrawing its guaranty of payment of the purchase money, and resolving the Indians to the uncertain payment of settlers upon the lands, who, upon becoming delinquent, usually appeal to Congress for extension of the time of payment, and indeed for the remission of the debt. This plan in the past has been found to result sometimes in frittering away the Indian estate.

In brief, the agreements are held not to be binding upon the Government, and therefore the Indians, as the other contracting party, are fully released.

To set up the agreement of the Indian tribe, therefore, in the bill is useless and can not be otherwise than misleading. The question resolves itself to this: What is the actual value of the land proposed to be sold by the guardian Government?

Reuben Quickbear, president of the Rosebud Indian Council, writes as follows:

ROSEBUD, S. DAK., *January 18, 1904.*

DEAR SIR: I suppose you know that Mr. Burke's bill taking our Gregory County land without our consent and at a merely nominal price is now in the hands of Mr. Sherman, chairman of the House Committee on Indian Affairs.

If ever we needed help we need it now, and badly. Mr. Clark, the Episcopal missionary here, has written to Mr. Sherman protesting against the amount offered—or rather thrust at us—for the land. He has been here for years and knows the value of it. A real estate man recently went over it and told a friend of mine that he would gladly give \$10 an acre for the whole tract, and could raise the money in three weeks. Over a year ago a syndicate offered the Commissioner \$5 per acre for the whole tract, and land around here has since doubled in value. We only ask \$5 per acre.

We call on the Indian Rights Association to help us in this our hour of need, and ask you to protest to Mr. Sherman against the passage of this unjust bill.

Ask that three men be appointed to value the land—one to be appointed by the Commissioner of Indian Affairs, one by the Indians, and these two to select a third,

as was done when the Omaha Reservation was valued years ago. If this proposal is entertained the South Dakota delegation will at once consent to \$5 per acre, as they well know that any halfway fair valuation would be far more than that. A shyster lawyer named Backus is in Washington stating that our land is not worth more than \$2.50 per acre. He lives in Bonesteel, in Gregory County, and has been sent by the people there to help beat us in this land deal.

Yours, truly,

REUBEN QUICK BEAR,
President of the Indian Council.

Mr. HERBERT WELSH, *Philadelphia, Pa.*

As shown by the report (dated January 9, 1904) of the honorable Commissioner of Indian Affairs, on the bill in question, the Indians were not satisfied with the price offered them. He states:

When the agreement of September 14, 1901, was being concluded, the Indians argued with great persistency that their lands were worth more than \$2.50 per acre, and they were almost unanimous in declaring that they were well worth \$5 per acre. Since that time several petitions have been received from the Rosebud Indians earnestly protesting against the ratification of said agreement because of the inadequacy of the compensation. Letters from outsiders and apparently disinterested parties were also received indicating that the lands were worth a considerably larger price than that agreed to be paid. In fact one offer was made by parties to take all the lands covered by the cession at the rate of \$5 per acre. On this point the Office seems warranted in saying that from the best information it has been able to obtain a considerable portion of these lands is worth perhaps two or three times the amount proposed to be charged to homestead settlers therefor, and that no doubt the entire tract taken as a whole, exclusive of allotments, is worth considerably more than \$2.50 per acre.

The Sioux City Journal (Sioux City, Iowa) of July 2, 1903, regards the tract as comprising fine lands, and says:

ROSEBUD OPENING DUE SOON—MAJOR M'LAUGHLIN ABOUT TO MAKE TREATY WITH INDIANS—APPOINTMENT FOR J. D. KELLER—FORMER SUPERINTENDENT OF SCHOOLS OF WOODBURY COUNTY MADE UNITED STATES COMMISSIONER AT BONESTEEL, S. DAK.—TO TAKE ACTION NEXT SESSION.

Persons who have been interested in the opening of the Rosebud Indian Reservation in South Dakota will be encouraged by the news that the reservation will almost without question be thrown open to settlement after the next session of Congress.

Such action will be made possible by a new treaty with the Indians, which is to be made by Maj. James McLaughlin, of the Indian Department, Washington, D. C., who was in Sioux City this week, en route from Washington to North Dakota on business with the Indians.

The news of the new treaty was brought to Sioux City by Joseph D. Keller, of Bonesteel, S. Dak., of the real estate firm of Rathman & Keller, who is here for a brief visit with friends.

Mr. Keller formerly was county superintendent of schools for Woodbury County. Fourteen months ago he left Sioux City for Bonesteel, and has been doing well there.

"Major McLaughlin is now in North Dakota, attending a powwow of the Indians, with whom he has a strong friendship all over the Northwest. He is to go to the Rosebud Reservation in South Dakota and meet the Indians there. This is the primary object of his trip west," according to a letter which Congressman Burke, of South Dakota, has received from Commissioner Jones, of the Indian Bureau.

"There are 416,000 acres of land on the reservation to be opened. Most of it is fine land. Not a mile and a half from the reservation boundary the other day we sold a quarter section to a Pierson, Iowa, man for \$5,000. So you see the land is not bad. There will be 2,600 quarter sections to be allotted to settlers when the reservation is opened. We have received frequent inquiries about the land from all over the country.

"You see, Congress balked on the deal because it would necessitate an appropriation of \$1,500,000 to buy the land from the Indians and the purpose of the new treaty will be to make a deal by which the Indians will wait a certain length of time for their money, which the settlers will pay in in proving up, instead of looking to the Government for it."

Mr. Keller has just been appointed United States commissioner at Bonesteel, his jurisdiction extending over Gregory County and a large stretch of country west of that county. By virtue of his official position he probably will be given charge of the drawing by settlers for the Rosebud lands when the reservation is opened.

Bonesteel, S. Dak., lies on the border of the Indian lands referred to. A circular issued by a Bonesteel land company shows conclusively their opinion as to the value of lands in that section of the country. It reads as follows:

Rosebud Indian Reservation.

Four hundred and sixteen thousand acres of choice lands to be thrown open to settlement under the homestead laws.

While the date has not been determined definitely, it is generally conceded by those in a position to know, that the drawing will be held in Bonesteel in the early summer of 1904.

Those wishing full information should send 50 cents for large sectional map showing entire county, also names of all allottees.

Briefly stated, Gregory County is one of the best in the State of South Dakota, because—

First. The soil is heavier.

Second. The water is better.

Third. There is no surface stone.

Fourth. The rainfall is heavier.

Fifth. There has never been a failure of crops.

Sixth. Timothy and clover grow well here.

Seventh. This section of country is better adapted to the raising of hogs and cattle, as corn yields well each year.

Eighth. Land values are steadily advancing.

Ninth. The prospects for a bounteous harvest was never better in any country.

Tenth. We are in direct communication with both the Sioux City and Omaha markets.

Read descriptions and prices of land:

* * * * * * *

18. Ninety acres, choice farm land, $3\frac{1}{2}$ miles from town; frame house and good well. Price, \$35 per acre.

19. One hundred and sixty acres, $2\frac{1}{2}$ miles from town; good house, all fenced, 140 acres in crop. Price, \$26 per acre.

20. One hundred and sixty acres, 10 miles from town; 100 acres in crop, all fenced. Price, \$26 per acre.

21. One hundred and sixty acres, 7 miles from county seat; 135 acres in cultivation. Price, \$32 per acre.

22. One hundred and sixty acres, $2\frac{1}{2}$ miles from town; good farm land; 120 acres in crop, all fenced; good well, 18 feet deep. Cheap at \$35 per acre.

23. Three hundred and twenty acres, $1\frac{1}{2}$ miles from town; 250 acres in cultivation. Seven-room house, large, two-story barn. Price, \$36 per acre.

24. Three hundred and twenty acres, $3\frac{1}{2}$ miles from town; good soil and water; hay meadow cuts 70 tons per year; 210 acres in crop. Price, \$33 per acre.

25. One hundred and sixty acres, $2\frac{3}{4}$ miles from town; slightly rolling, but all good, tillable land; 80 acres cultivated. Price, \$19.50 per acre.

26. Three hundred and twenty acres choice, creek land, suitable for stock raising, 9 miles from town. Price, \$20 per acre.

27. Two hundred and fifty acres, 5 miles from town; 180 in crop, good well and stock pond, frame house, all fenced, one of our best. Price, \$26 per acre.

28. Stock ranch consisting of 2,355 acres deeded land and 640 acres of school land in a body, three streams of never-failing water, three windmills and tanks, buildings suitable for handling all kind of stock, 40 miles of fence. For particulars write us.

29. Four hundred and eighty acres, 6 miles from town; well watered and all fenced. Price \$20 per acre.

30. Three hundred and twenty acres, 1 mile from town; abundance of good spring water, excellent for pasture. Price, \$16.50 per acre.

31. One hundred and sixty acres, almost adjoining town; well improved, undoubtedly the best farm in Gregory County. Price, \$52 per acre.

32. Six hundred and forty acres, 3 miles from town; 320 acres choice cultivated land, balance pasture, all fenced, plenty of good springs. Price, \$26 per acre.

33. One hundred acres, 3 miles from town; 120 acres in crop, 40 acres pasture, plenty of water. Price, \$31 per acre.

34. Three hundred and twenty acres rough land suitable for pasture, on the Whetstone Creek. This is a snap at \$7.50 per acre. (Sold.)

35. Three hundred and twenty acres, 4 miles from town; 70 acres can be broken, balance pasture land. School section adjoining leased for four years. Price, \$3,200.

36. One thousand six hundred acre stock ranch, improved and well watered; will sell cheap or take in part payment improved farm or stock of goods. For particulars and prices write us.

37. One hundred and sixty acres, 4 miles from town; 140 acres in crop, 20 acres pasture, no waste land. A great bargain at \$29 per acre. (Sold.)

38. One hundred and sixty acres, fine farm with good well of water; 110 acres in crop, only $1\frac{1}{2}$ miles from town, only \$32.50 per acre. (Sold.)

39. One hundred and sixty acres, 1 mile from town; plenty of water, frame house, 80 acres in crop. Price, \$6,000. (Sold April, 1903, \$5,900.)

A recent issue of the Sioux Falls Press, Sioux Falls, S. Dak., has this to say of the pending bill:

BURKE'S ROSEBUD BILL.

Representative Burke, of South Dakota, favors the Press with a copy of his bill for the cession of a portion of the Rosebud Indian Reservation, in this State, and his report thereon from the House Committee on Indian Affairs.

This is a measure the Press has criticised in one particular—that the price per acre to the Indian owners of the land was not enough. In Mr. Burke's new bill the price is increased from \$2.50 to \$3 per acre for all the land entered within six months after the opening of the reservation, the price thereafter to be reduced to \$2.50 per acre.

It is probable that all the land to be surrendered will be taken by settlers long before the first half year has expired, as there is nowhere in South Dakota land more desirable than in this tract. So the new bill will give the Indians a couple of hundred thousand dollars more than was contemplated in his original measure.

When the inspector visited the Indians last summer to procure their consent to the sale of the land, they demanded \$5 per acre and refused to sign in sufficient numbers an agreement for its sale for anything less than that sum.

In the absence of the agreement it was expected at that time to procure from the Indians Mr. Burke has incorporated in his bill a previous agreement made with the Indians in September, 1901, in which they then consented to the sale of the property at \$2.50 per acre. This agreement was before the last Congress, and it failed to secure ratification, the managers of the House declining to consider it.

The Indians are not at all exorbitant in their demand for \$5 per acre. The land is worth more than that. A like measure, introduced by Representative Marshall, to provide for the opening of the Devils Lake (N. Dak.) Indian Reservation, is before the House. In the Indian committee it has been so amended as to provide, that the price of the land shall be \$4.50 per acre during the first six months, \$3.50 for the second six months, and \$2.50 thereafter. The Rosebud land is even more valuable than the Devils Lake land, being in a section adapted to mixed farming.

The C. A. Johnson Realty Company, of Bonesteel and Fairfax, S. Dak., have expressed themselves regarding values, claiming grazing lands are worth \$7 and farm lands from \$25 to \$40 per acre in their section, which is adjoining the Indian lands of the Rosebud Reservation. Their statements follow:

JANUARY 23, 1904.

DEAR SIR: As it is probable that the Indian lands in Gregory County will be open to settlement soon, we are thinking of investing some money in the lands in that country.

What will the average price of farm lands be? I have a friend who would like to purchase about 3,000 acres of grazing land.

Could he get that much in a body; and if so, what would be the price?

We will inclose a stamped envelope and will be pleased to hear from you as early as convenient.

Respectfully,

C. W. BEGGS, SONS & Co.

Mr. C. A. JOHNSON REALTY COMPANY,
Bonesteel, S. Dak.

FAIRFAX, S. DAK., *January 26, 1904.*

GENTLEMEN: Your esteemed favor of January 23, 1904, has been received, and in reply will say that 3,000 acres of land for grazing purposes can be obtained here in this county for about \$7 per acre. The farm land is much more valuable and higher priced. Farm land is worth from \$25 to \$40 per acre.

The new homestead bill, which has recently been introduced by Congressman Burke, of South Dakota, provides for opening about 416,000 acres of land in that portion of this country which is yet an Indian reservation. This bill has not become a law as yet, but if it does it will provide for paying \$3 per acre for the homestead as soon as the land is opened for entry and \$2.50 per acre if filed upon after the expiration of six months from the date the land is opened for entry. The bill also provides that after the expiration of four years from the date the land is opened for filing that a party can purchase all the land that is vacant at that time that he wishes, subject to the rules and regulations of the Department of the Interior.

Hoping to hear from you further in this matter, I beg to remain,

Yours, truly,

C. A. JOHNSON REALTY COMPANY,
Bonesteel and Fairfax, S. Dak.

C. W. BEGGS, SONS & Co., *Chicago, Ill.*

Confirmatory of the above, the following statement of Edwin M. Starcher, of Fairfax, S. Dak., is important:

JANUARY 23, 1904.

DEAR SIR: We have a party in this city who is desirous of securing about 3,000 acres of land for grazing purposes in South Dakota, and as we understand that the land in Gregory County will soon be open for settlement, we would like to know what the average price of farm lands would be in that section and also if a 3,000-acre tract could be purchased by one party.

Thanking you kindly in advance for this information and inclosing stamped envelope for a reply, we are

With respect,

C. W. BEGGS SONS & Co.

Mr. E. M. STARCHER, *Fairfax, S. Dak.*

JANUARY 27, 1904.

GENTLEMEN: To your favor of 23d instant beg to say that the average price of grazing lands in this country runs from \$5 to \$10 per acre. Improved farms from \$25 to \$40 per acre.

There are no very large tracts of land that could be purchased here at this time as nearly all the land has been homesteaded or preempted by settlers and usually is owned in tracts from 40 to 320 acres. The only way one could get 3,000 acres in a body would be to buy out several of the holders who adjoin each other. If we can be of service to you in any way shall be glad to do so. No doubt we can arrange with some of the larger cattle men who own adjoining ranches to sell. Such a sale would probably range approximately \$1,000 per quarter.

Yours, truly,

EDWIN M. STARCHER.

C. W. BEGGS SONS & Co., *Chicago, Ill.*

Rev. A. B. Clark, a missionary among these Indians for a score and more years, believes that gross injustice will be done if the Indians are forced to accept the valuation provided for by the pending legislation.

Extract from the Valentine Democrat, Valentine, Nebr., issue of February 4, 1904:

The agent held a grand council yesterday (Monday, February 1) with the Indians and the result was that the Indians offered to lease their unallotted land for a term of years. On former occasions the Indians positively refused to lease, but they feel so sore at the action of the South Dakota delegation in trying to open their Gregory County land at a nominal price that they consented in order that no more of their land could be opened for several years at least.

By demoralizing the Indians in the matter of leasing we see the immediate evil results that tend in the wake of attempted unfair treatment. It has been shown by those observing the conditions, and is to be inferred by all experienced in Indian life in that portion of the Northwest that it is much better to encourage the Indians to pasture their surplus lands with stock owned by themselves rather than to lease the same to outsiders.

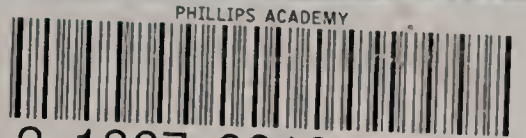
The Indians have united upon \$5 per acre as a compromise price, although they realize that the lands are more valuable.

Can the Government afford to commit so apparent and gross an injustice?

Respectfully submitted on behalf of the Indian Rights Association.

S. M. BROSIUS,
Agent Indian Rights Association.

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Rosebud Indians of
South Dakota

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